



STATE MINING AND GEOLOGY BOARD

DEPARTMENT OF CONSERVATION

801 K Street • Suite 2015 • Sacramento, California 95814

www.conservation.ca.gov/smgb

smgb@conservation.ca.gov



Publication Date: July 9, 2009

CONFORMED MINUTES

THE SURFACE MINING STANDARDS COMMITTEE (J.C. Isham, Chair; Cheryl Bly-Chester; Kathy Lund) OF THE STATE MINING AND GEOLOGY BOARD

Conducted a Meeting on:

Wednesday, March 25, 2009

1:30 P. M.

Main Conference Room
California Geological Survey Headquarters
12th Floor
801 K Street
Sacramento, California 95814

AGENDA

For questions regarding this Agenda, please contact the SMGB office by telephone at (916) 322-1082, or by facsimile at (916) 445-0738. This Notice and associated staff reports can be accessed electronically at the SMGB's Internet web site at: <http://www.consrv.ca.gov/smgb/> (note: Agenda reports should be available electronically approximately one week prior to the scheduled meeting/hearing date).

The SMGB requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the SMGB has the opportunity to fully preview written material, comments should be received in the SMGB office no later than 15 days prior to the scheduled meeting date, and must indicate the Agenda Item to which it relates. For written material in excess of two pages, or that contains large maps, photos, foldouts, or other documents requiring special handling, please submit 12 copies. The SMGB will not reproduce these types of documents. Comments on Agenda Items will be accepted by electronic mail, and are subject to the same conditions set forth for other written submissions.

Individuals are responsible for presenting their own projects at the meeting.

[NOTE: Times are approximate. The chairman may alter the hearing start time or agenda item order during the meeting]

I. Call to Order (Isham)

II. Roll Call and Declaration of a Quorum

The meeting was called to order at 1:30 P. M. by Committee Chairperson Lund, with all members, with exception to Member Garner, and a quorum was declared.

III. Consent Items [Action]

[All the items appearing under this section will be acted upon by the committee by one motion and without discussion; however, any committee member wishing to discuss a particular item may request the Chairman to remove the item from the Consent Calendar and consider it separately under Continued Business or New Business]

1. Approval of Minutes, September 11, 2007, Committee Meeting.

Committee Member Lund moved to approve the minutes. Committee Member Bly-Chester seconded and the motion carried with a unanimous voice vote.

IV. Continued Business [Action]

[These business items have been continued from a previous meeting/hearing]

2. Discussion of Issues Concerning the Feather River Levee Improvement Project (FRLIP), Three Rivers Levee Improvement Authority (Operator/Agent), County of Yuba.

Executive Officer Testa stated the SMGB is the SMARA lead agency for Yuba County. On September 23, 2008, the SMGB received a RP for the proposed Three Rivers Levee Improvement Authority (TRILIA), Feather River Levee Repair Project, Segment 2. Upon initial review, it came to the SMGB's staff attention that work had already commenced, and a site visit was performed on November 14, 2008. Determining that at least part of the proposed project was subject to SMARA, a Notice of Violation was subsequently issued on December 23, 2008. While upon further review, most of the project was deemed not subject to SMARA, upon receipt of additional documents and further review by OMR and SMGB staff, two borrow pits were deemed subject to SMARA: Ella and Platter/JTS Borrow sites. The operator is currently made a request of the SMGB for a construction exemption or one-time exemption pursuant to SMARA. Outstanding issues associated with this request were discussed.

- Will Arcand, Senior Engineering Geologist with the SMGB, provided a power point presentation summarizing the results of a site visit and provided an overview of the project.
- On behalf of TRILIA, the Committee heard from TRILIA's Executive Director Paul Brunner, and legal counsels Thomas Henry and Scott Shapiro.
- Committee Members Bly-Chester and Lund concluded that the ongoing and proposed activities of the Platter/JTS and Ella Borrow sites were subject to the requirements of SMARA, and that public safety and the project's early commencement in the spring of 2009 was essential for completion of the project in a safe manner for the public. The Committee moved to recommend that the full SMGB



grant a temporary, one-time exemption, if appropriate, to allow surface mining activities at the two borrow sites to continue. The Committee also agreed that, should a temporary exemption be deemed inappropriate, the operator should proceed with submittal of a reclamation plan, associated environmental documents, and financial assurance cost estimate, to be considered for SMGB approval no later than the SMGB's regular business meeting scheduled for July 9, 2009.

Committee Member Bly-Chester moved to recommend to the whole SMGB resolution of this matter for July 9, 2009. Committee Member Lund seconded and the motion carried with a unanimous voice vote.

V. New Business [Action]

No new business discussed.

VI. Good of the Meeting [Information]

[This time is scheduled to provide the public with an opportunity to address non-agenda items. Those wishing to speak should do so at this time. All persons wishing to address the Committee should fill out a speaker card and present it to the Secretary so that the Chair can determine the number of persons who wish to speak. Speakers are limited to three minutes except by special consent of the Chairman]

No reports provided.

VII. Continuing Business [Information]

[This item is provided as an opportunity for any SMGB Committee member to receive information on or any items of continuing interest to the SMGB.]

No continuing business discussed.

VIII. New Business [Information]

[This item is provided as an opportunity for any SMGB Committee member to bring any item of new business to the Committee's attention for further discussion and further action.]

No new business discussed.

IX. Announcements of Future Meetings

The next meeting of the Committee was not scheduled.

X. Adjournment

The meeting was adjourned at 4:00 P.M.

APPROVED

Kathy Lund, Chairperson

Stephen M. Testa, Executive Officer

